

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... NOV 28 1978

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... NOV 28 1978 under 35669

The applicant Richard L. Herman, Clifford Herman, and Nancy Metcalfe
1240 Main Street, of Fortuna,
Street and No. or P.O. Box No. City or Town
California 95540, hereby make application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Cherry Creek Spring No. 2
Name of stream, lake or other source.
2. The amount of water applied for is 1 cfs second-feet
One second-foot equals 448.83 gals. per min.
 (a) If stored in reservoir give number of acre-feet acre-feet
3. The water to be used for Irrigation and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
 - (a) Irrigation (state number of acres to be irrigated) 112 acres
 - (b) Stockwater (state number and kinds of animals to be watered)
 - (c) Other use (describe fully under "No. 12. Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: in lot 3 of section 6, T23N,
R63E, MDB&M, whence the northwest corner of said section 6 bears N
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
76° 44' 32" W, 1,340.66 feet distant.
it should be stated.
6. Place of use Lot 4, section 31, T24N, R63E, MDB&M, Lots 3 and 4, of
Describe by legal subdivision, if on unsurveyed land it should be so stated.
section 6, T23N, R63E, MDB&M.
7. Use will begin about 1st of January and end about 31st of December of each year.
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Water will be diverted through "V"
ditches to holding ponds, then to a sprinkler system for irrigating
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$10,000.00
10. Estimated time required to construct works.....3 years
11. Estimated time required to complete the application to beneficial use.....5 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This water will be used in conjunction with application no. 35671, and the Cherry Creek Spring Nos. 1, 3, and 4, for a total of 4 acre-feet per acre of land irrigated per year.

Applicant Richard L. Herman, Clifford
Herman, Nancy Metcalfe

By s/ Richard W. Forman
Richard W. Forman, Agent
P.O. Box 150
Ely, Nevada 89301

Compared lp/ga js/bc

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

- Actual construction work shall begin on or before
- Proof of commencement of work shall be filed before
- Work must be prosecuted with reasonable diligence and be completed on or before June 6, 1988
- Proof of completion of work shall be filed before July 6, 1988
- Application of water to beneficial use shall be made on or before June 6, 1990
- Proof of the application of water to beneficial use shall be filed on or before July 6, 1990
- Map in support of proof of beneficial use shall be filed on or before July 6, 1990

Commencement of work filed JUL 19 1988 IN TESTIMONY WHEREOF, I PETER G. MORROS
Completion of work filed State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed my office, this 6th day of June

Certificate No. Issued A.D. 1985
Recorded Bk SEP 14 1999 BECAUSE OF FAILURE
CANCELED County Recorder